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SOME

REMARKS

Upon what is humbly supposed to be a

SPURIOUS PAPER,

INTITULED,

RULES and INSTRUCTIONS by
the Town-Council of ———,
to be observed by all who are
permitted *to cry* Gazzettes and
other Papers, or *sell* Roses and
other Flowers, or *to carry* Links
upon the Streets, Noblemen and
Gentlemens Servants excepted.

*It is a Privilege peculiar to the Subjects of Free Nations, to speak or
write what they think, and to publish what they write.*

PREFACE to the INTEREST of SCOTLAND.



Printed in the Year MDCCXXXIV.

John H. m



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Some REMARKS, &c.



OWN I cannot give myself Leave to think that this Paper is any Thing else than the wanton Production of some waggish young Rogue, who is willing to make free with so honourable a Body as the Magistrates and Town-Council of — : And tho it may be far below them to take notice a Thing of this Kind, which, at first Reading, must appear to be spurious, yet, as I have long lived under their Protection, I offer the following Remarks, as a Testimony of the great Love and Affection I bear to so great a Body.

AND *First*, Every Body will allow, that the Publishing Rules and Instructions to be observed by all those who are permitted to sell *Roses and other Flowers*, is at present *unseasonable*, it being now the deep Time of Winter. *2dly*. I cannot reconcile with the Exactitude which might

be expected from so considerable a Set of Men; that they should insert two Things in the Title of the Paper, (with respect to which Rules are to be observed) wholly neglected in the Paper itself: For I own I cannot discover any *Rule* or *Instruction* given as to selling of *Roses* or *Flowers*, nor as to the *carrying of Links*; which, nevertheless, must be allowed to be *two most material Things*; especially the *Roses*, *One Colour of which*, it had been at least proper to make the Subject of one Article. 3^{dly}. I never knew that the Servants of Noblemen and Gentlemen used to cry *Gazettes* and *Papers*, or to sell *Roses* and *Flowers*, or indeed to carry *Links*. 4^{thly}. This Paper has not the least Vestige of the common Stile of an Act of Council, which clearly detects the Imposture. It bears, in no Place of it except the Title, (and such Title might be prefixt to any Paper) that it is the *Act of the Town-Council*. It does not so much as tell when these Rules were enacted, tho, by the Warrant annex'd, it seems to bear Date since *Michaelmas* last, at least, the Author has not thought fit to publish it sooner. It does not say whether there is such a Society existing as that to be regulated. All it says, is, that *all such as*
are



are above narrated (which includes Noblemen and Gentlemens Servants) *are to enter into a Society, and that the Number of this Company shall not exceed twenty Persons : But it nowhere says there is such a Society or Company actually existing :* And, as yet, I have seen no *Badge*, (being a Kind of Apron of Blue Linen, in the Form of a Badge) to distinguish this Society from other Persons of the like Quality and Condition. *5thly.* No Man can possibly think a Paper of this Kind could pass the Hands of such a Body of Men. It is conceived in so poor a Stile, and the Thoughts are so very low, it is so inaccurately and indistinctly written, that it is impossible to believe it genuine.

FOR these obvious Reasons, I conceive this Paper to be a plain Indignity to the Magistracy and Council, which nothing but their known Goodness in forgiving Injuries offered to them can possibly account for their not enquiring into, and for their not punishing the Author condignly.

IT is true it may be said, that the Persons it concerns (except Noblemen and Gentlemens Servants, of whom better Things are no Doubt to be believed) are Folks very illiterate, and who are therefore ordered to go to School *one Diet*

each Week Day, if they cannot read and write, which cannot fail to have the desired Effect; and therefore (it may be said) it was proper to descend to a Way of expressing the Things therein mentioned, *rather lower than what would be needful to the Vulgar*. But as it is supposed the Paper was printed in order to be *published to the World*, this Observation will not remove the Force of the foregoing Remarks, which plainly prove, in my poor Apprehension, that the Paper is *spurious*.

BESIDES, some Articles are really (I need not say with Submission, seeing the Magistrates are not at all concerned in the Matter) so indistinct and confused, that they are quite unintelligible. As for Instance, the Tenth. *The Badge to be worn by each of the Society, is appointed to be a Kind of Apron of Blue Linen, made in the Form of a Badge, which none may loan, on Pain of losing his Privilege.* Whether a *Blue Kind of Apron as a Badge, in the Form of a Badge, Or the Form of a Badge, a Kind of Blue Linen Apron to be a Badge, Or a Badge, to be a Kind of Blue Linen Apron, in the Form of a Badge,* is to be the Distinction of this Species of Inhabitants, is a Matter not easily to be determined, tho 'tis plain enough they are
each

each of them to have *a Badge in the Form of a Badge*, and which, it is probable, will be made of Blue Linen (for 'tis impossible Blue Woollen could do the Thing) and this is to distinguish them from *Drawers* and *Gardners*, the last of which Set of Men wear Blue Woollen Aprons, whom therefore it was the more necessary to distinguish from *this Society* (or *the Society* from them) by giving it a Badge to be made of Blue Linen, *in the Form of a Badge*, because, were it not for this same *plain* Distinction, a Gardner might be kidnapped selling Flowers, and put into the Guard, before his Blue Apron were discovered to be Woollen; which it is impossible can happen, now after it is declared, that the *Badge* of this Society shall be *a Kind of Apron of Blue Linen, in the Form of a Badge*; which must clearly distinguish them from Gardners, who only wear *a Kind of Apron of Blue Woollen*; which no Body will say has been declared either to be a *Badge*, or a *Kind of Apron of Blue Woollen in the Form of a Badge*.

THE same *Clearness of Expression* governs the last Article; And finally, the *first Monday of August, &c.*

FINALLY, the *first Monday*, is a most *elegant Expression*. One would imagine
that

that the same *distinct* Person who is to have the Custody of the Box, *drew up* this Paper. It is hard to tell by this Article, whether the Box is to be the Society's, or the Magistrates; whether the Money is to be disposed of as the Society or the Magistrates shall think fit; *for they are to do this as they shall think fit, as above designed*, and *all* are mentioned in the Article, and *all* of them are above designed: Or whether the two for keeping each a Key of *their said Box*, for the ensuing Year, are to be two of the Magistrates, or two of the Company; tho, one Thing is plain, that he must be a *distinct* Person from the Company, who is to *keep the Box*; and that he should be a *distinct* Person who is to have so *intricate* a Trust, is plain enough, and was absolutely necessary, especially since others were to keep the Keys of it, which must certainly prevent all Confusion and Mistakes.

BUT this *arch young Rogue* has palm'd an odd Thing upon this considerable Body of Men, in the Second Article, which runs thus, *To prevent the dispersing of prophane or scandalous Papers, none shall presume to expose to Sale, any Papers or Pamphlets, (except such as are published by Authority) until they be seen and approved*

ven of by the Magistrates, or any whom they shall appoint for that Purpose, &c.

THIS is excellent. I know, for my Part, no News-Paper published by Authority, except the *London Gazzette*, and I own, I never knew one of them hawked here, or re-printed and hawked; so that what this Wagg means by Papers and Pamphlets published by Authority, I protest I cannot tell. If he means, that the Magistrates have that *in their Breasts* to determine as they have a Mind, as to Papers or Pamphlets which do *not bear to be published by Authority*, I believe he has vested them with a Power they did not at any Time imagine they had, and what no Body believes they have. This is indeed a very great Power, in Virtue of which they may condemn what they please, as *not published by Authority*, and license what they please, under Pretence that it is published by Authority. But our *fictitious Author* does not rest here; he makes the Magistrates say, That no Paper nor Pamphlet, until it is seen and approved of by the Magistrates, or (which is indeed extraordinary) *any whom they shall appoint for that Purpose*, shall be sold by any of this Society; and, at same Time, all other Persons are to be *imprisoned during Pleasure*

sure (upon the Matter) who shall presume to sell Pamphlets, except the Members of this Society.

THIS is new, and indeed very extraordinary. It is impossible that the Magistrates of ———, who are well known to be Men of excellent Understanding, could fall into two such absolute Mistakes. *First*, That no Paper or Pamphlet but what has been *seen* and *approv'd* of by *them*, can be publickly vended. *2dly*. That this Power of *seeing* and *approving* can by *them* be delegated to *others*, as if the Magistrates could transfer their indisputed Capacity of judging in such Matters, to Folks of less Understanding, and could be obliged to answer for their Blunders and Mistakes, which is altogether absurd.

IF there is such a Power in the Magistrates, it must be confest that it is a *singular* Power, such a Power as no Magistrates in *Britain*, they alone excepted, have pretended to; and such a Power therefore, I am confident, the Magistrates do not imagine they have: And therefore, I own, I look upon this Part of the Spark's Performance, who has fathered this Piece of Absurdity upon the Magistrates, as a very great Affront to them. What! can any Body imagine,

gine, that the Magistrates of a Royal Burgh, even of ——— itself, have such a Power over the *Liberty of the Press*, that no Man can *write* and *publish* what he *thinks*, or, which is the same Thing, *cannot have it sold*, when printed, *without their Approbation*? What shall we then say of the *Lucubrations* of a *late Author*, who has, in the Words I have chosen for my *Motto*, proved *the Contrary* to Demonstration? Sure, he can be no Member of the present Magistracy, or Town-Council, if this Paper is *genuine*, which I grievously suspect it is *not*. If it is the *Privilege peculiar to the Subjects of free Nations to speak or write what they think, and to publish what they write*, either we must be no free Nation, or it is not possible that this Privilege can be taken from us by any Magistracy. Nor can the Magistracy of any free People take it in their Heads, that *they* must be satisfied as to the *Fitness* of any Pamphlet's appearing in Publick, *before* it shall be published: And therefore it is impossible the Magistrates could think so, nor consequently enact what tends to load them with so gross an Absurdity.

THIS is a Point of so great and general Concern, that even a Paper of this *jocular*
Kind

Kind should not be let slip without some such proper Animadversions. The *Liberty of the Press* is one of our *noblest Privileges*. We see Instances of great Freedoms taken with *Subjects of considerable Figure* in Papers and Pamphlets published in our neighbouring Nation, and seldom any Notice is taken of them, either by the Magistracy of the City where they are published, or by any other Judicatory in that Country. And yet it must be admitted, that *some People* would heartily wish to be able, by any *legal Means*, to suppress them : And he is not *otherwise* who thinks *they would not be suppressed, if any Body had a Power to approve or disapprove of them*. We have the same Title to this *invaluable Privilege*, and have the same Right to *use it* ; and therefore it is thought the *Author* of this Paper, fathered most unjustly upon the Magistracy and Town-Council, deserves a very severe Reprimand, for laying so odd a Thing to their Door, who, I am confident, would not take upon them to judge of all that may be written, and to determine whether it should appear in publick or not.

BESIDES, it may be observed, That buying a Paper or Pamphlet in a clandestine Manner, is ranked, by the roguish
 Author,

Author, as one of the greatest Crimes that can be committed by the Members of this Society, and it is made sufficient to disfranchise the Offender. This is indeed terrible! What must become of a poor Hawker who buys a Pamphlet clandestinely, and *remotis arbitris*? Why, he loses his Privilege, *that is*, his Right of selling Pamphlets: But, when he has lost it, he may buy such Pamphlet with great Safety; for then he is, in Point of Privilege, just upon the same Footing with the other Inhabitants, and consequently he may sell it too; for it is to be hoped, that our Author will not say, that it is unlawful for any Inhabitant to buy and sell Pamphlets.

ONE might also observe, That the chief Thing meant to be restrained, is, *to cry* (as it is wondrous emphatically exprest) *Papers* and *Pamphlets*; but nothing is to hinder any Body to sell them, provided they do not *cry them*. This, 'tis owned, may contribute to the Police or good Order of the Town; for every Body will own, that, some Time or other, he has been pestered with the ungainly Noise of those mistun'd Animals bawling at his Ear. Now, all this may be prevented, by a Fellow's Popping before One's Nose the *Title-Page* of a *Pamphlet*, and asking his Honour, *If*
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he has seen, or has got THAT yet. This is indeed a Hint which it may be proper for the Magistrates, in good Earnest, to help to make the Inhabitants easy by, and so far they and we are obliged to the Performance of the Author.

THERE is something so flat in the Order and Performance of the first Offerer of his Service, that it is impossible to suspect the Magistrates of it. It is to be feared, however, were this really made a Statute to govern this imaginary Society, that their Employers would have more Business put into their Hands, *viz.* to determine in the Preference between one and another of them, than at least I should choose. However, it must be admitted, that there is great Equity in *one Man's getting what another works for, and the Profit of what another sells*; and that an equitable Provision of that Kind must destroy all Disputes among the Members of the Society, and their Employers.

I think the Article against Drinking and Gaming away one's Money, a reasonable Thing, tho I incline to propose one Amendment, which, if it shall be thought proper to make this a Rule, may be under Consideration, *to wit,* That the Rule should affect those who *game, and*
win

win their Fellow's Money, as well as to him only who games *away*, that is, *loses his Money*, the last of whom only it refers to at present ; because it is as probable, that he that wins will have the Two Shillings *Scots* to pay, as he that has lost his Money.

It is a remarkable Checque upon the Members of this Society, that they are to meet once Weekly or Monthly, to give an Account of their Behaviour ; it is supposed *to themselves*. No Body can doubt the Society will thus improve vastly under their own Inspection, to the great Advantage of the Nation, and the Reformation of Manners.

LAST of all, I incline to observe, That as our Author has erected an imaginary Society, he has also fram'd a very strange Sort of a general Warrant against every Body that shall encroach upon the Right of it ; and the Execution of this he has committed to Town-Officers, and the Soldiers of the Guard. 'Tis true, that must proceed upon the Application of one of this *honourable* Society ; but, as the Liberties of Men can be in no Hazard, when they are committed to the Care of *Persons of this Sort*, perhaps it may be thought to be contending too much for them, where

where they are in *no Danger*, to observe, that such vague Warrants of Commitment are altogether unprecedented.

I would not advise this Gentleman, who has entertained us with all this silly Stuff, at the Expence of this *considerable Collection* of Men, to proceed to propose Regulations for printing of Papers and Pamphlets, and of selling them, when printed, in Shops, or any other Way than by this Society, which he proposes should be *entirely* under the Direction of the Magistrates, &c. That would be going perhaps too far, and therefore I hope he will think well before he do so. All I shall say more, is, that I hope the Magistrates are sensible, that exclusive Privileges of selling Papers and Pamphlets, in any particular Way, cannot be very advantagious to the Publick, and that it would not be amiss to avoid making any new Incorporations of any Kind; so that, were I to advise them in Matters they understand better than I, it should be to declare to the World, (what I take to be certain Truth) that these Rules and Instructions are all a Fiction.

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